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ON PAGE 12 Sec 1

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William Casey's obsession

William Casey, the Reagan administration's director of the Central Intelligence Agency, is acting like a man with an obsession. He seems bound and determined that the Justice Department prosecute some news organization, preferably a big, important one, for disclosing so-called "national security secrets."

In this case, the "secret" happens to be something a spy in our National Security Agency already has stolen and sold to the Russians.

But the specifics of the "secret" and the target of the prosecution, which change from day to day, have very little to do with what is going on. And wrestling with them only tends to obscure the true importance of what is at stake here.

Mr. Casey's obsession is not original. Some other CIA directors, a good number of generals and admirals, at least one prominent secretary of state and more than one president have had similar impulses over the years, sometimes with just cause.

From time to time the news media, for various reasons including incompetence and careerism, have behaved irresponsibly in reporting sensitive military and diplomatic information. And in many cases it was information that never should have been made available to the news media in the first place. But critical to the understanding of this phenomenon is the uncontested fact that never was this information stolen or obtained illegally by the press.

In all of these celebrated cases in which officials of the federal government were itching to prosecute the press for a crime, the sensitive information had been given to the press, "leaked" by someone in the government, usually someone authorized to have that information. And these were not enemy spies or disloyal Americans, but government officials making a conscious decision for reasons usually known only to themselves.

In every instance, the government had the opportunity and authority to investigate the leak, identify the leaker and take the appropriate action, including criminal prosecution. Every time the government has followed through with this process, the target has been a peon, a low-level bureaucrat, clerk or military enlisted man with no power and no constituency.

But more often than not investigations of leaks have determined that the leaker was an important official, a cabinet-level appointee or one of his top aides. In some cases it even turned out to be the secretary of state, the national security adviser to the president, the head of the Federal Bureau of Investigation or, lo and behold, the president of the United States himself. And in some of the most celebrated instances, it was a combination of the above acting together in an "authorized" leak of national security secrets for a specific purpose.

Not surprisingly, despite his sworn duty to protect the nation's secrets, neither Mr. Casey nor any of his predecessors at the top of the CIA tried to prosecute any of their brethren at the top levels of the government, or the news media that published the information.

And this is at the heart of this controversy. Mr. Casey wants the Supreme Court of this land to make part of the body of law and precedent the kind of arbitrary and unfair double standard that

administrations always have practiced behind the facade of protecting national security.

What Mr. Casey is asking for here is the legal means to punish the press for listening to and believing anyone in government below the level of those with the power to prosecute the press. A "leak" that damages national security is what someone else releases. When those in power do it, it is an act of state.

If the executive branch of government gains the power to punish the news media for publishing information it does not want published, it will codify and legitimize the kind of intimidation of the free press incongruous with and totally unacceptable in a free society.

Anyone who doubts need only consider two parallel but strikingly dissimilar instances involving major newspapers and Republican presidents, one recent and the other part of the Watergate era.

Earlier this month, as the Washington Post prepared to publish a story about the sale of secret information to the Soviet Union by spy Ronald Pelton, President Reagan called Post publisher Katharine Graham and implored her not to print certain details. The story ultimately was held up by Post Editor Benjamin Bradlee, who undoubtedly would not have done so without good reason. And being threatened with prosecution by Bill Casey is hardly sufficient reason for Ben Bradlee.

Nearly 13 years ago, Clayton Kirkpatrick, then editor of The Chicago Tribune, got a call from Alexander Haig, then chief of staff for a beleaguered President Richard Nixon. He asked that The Tribune not publish a story about a secret and sensitive "national security matter" that Mr. Nixon repeatedly had referred to publicly as the reason his White House tried to cover up the existence of the "leak plumbers" who had committed the Watergate burglary. This "secret," Mr. Nixon insisted, had to be protected at all costs because it would compromise sensitive intelligence-gathering capabilities.

The Tribune held that story up, for awhile. But ultimately it was published. And the "national security secret" turned out to be this: A high-

2.

ranking Navy admiral and his aide had been pilfering the briefcase of National Security Adviser Henry Kissinger and making unauthorized reports back to Adm. Thomas Moorer, then chairman of the Joint Chiefs of Staff. Instead of prosecuting anyone, the Nixon administration had blamed it all on a lowly yeoman and banished him to an obscure assignment on grounds that he had mentioned some of the sensitive data he was stealing in a conversation with columnist Jack Anderson.

A lot of so-called national security secrets are really only disclosures that embarrass governments or specific officials within government. And a lot of real secrets are leaked deliberately for the benefit of an administration or someone in it. If Bill Casey or any of his successors gets the power to prosecute the press for publishing leaks, no one ever will know again which is which. And no secret ever compromised by the press in the history of this country has been as big a threat to national security and freedom of the press as that would be.